

REMARKS

In the Notice of Non-Compliant Amendment mailed November 5, 2010, the Examiner stated that newly added independent claims 69 and 78 are not drawn to Group I elected March 9, 2004, and required to withdraw these claims. While the Applicants respectfully disagree with such characterization, in order to facilitate and accelerate the process of prosecution of the instant application, the Applicants hereby comply.

With respect to claims 60-68, it is submitted that they are all drawn to the elected invention Group I as formulated by Examiner Whisenant in the Restriction Requirement mailed December 1, 2003, i.e., they are drawn to a method of determining if an organism of interest is present in a biological sample, classified in Class 435, subclasses 6, 7.1. and/or 7.2.

CONCLUSION

Favorable action on all claims is respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

No fee is deemed necessary with the filing of this response. However, if any fee is due, the Commissioner is hereby authorized to charge any fees required in conjunction with the instant paper to Deposit Account No. 50-3994
(Order No. BP-0002-1 US)

Respectfully submitted,

Date: December 3, 2010

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